



IT IS ORDERED as set forth below:

Date: July 26, 2019

A handwritten signature in black ink, appearing to read "James R. Sacca".

James R. Sacca
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

| | | |
|---------------------------------|---|-----------------------|
| IN RE: |) | CASE NO. 15-68880-JRS |
| |) | |
| ROBERT BRIAN CAVORETTO, |) | CHAPTER 13 |
| |) | |
| Debtor. |) | |
| _____ |) | |
| |) | |
| U.S. BANK TRUST NATIONAL |) | CONTESTED MATTER |
| ASSOCIATION, AS TRUSTEE OF |) | |
| THE IGLOO SERIES III TRUST, |) | |
| |) | |
| Movant, |) | |
| |) | |
| vs. |) | |
| |) | |
| ROBERT BRIAN CAVORETTO, |) | |
| JULIE ANN CAVORETTO, Co-Debtor, |) | |
| NANCY J. WHALEY, Trustee, |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |

CONSENT ORDER

U.S. Bank Trust National Association, as Trustee of the Igloo Series III Trust, c/o BSI Financial Services, its servicing agent ("Movant"), filed a Motion for Relief

from Stay and from Co-Debtor Stay on May 13, 2019 (Doc. No. 51) ("Motion"), and the hearing on the Motion was scheduled for July 16, 2019 at 10:30 a.m. Movant and Debtor have consented to the terms herein without any opposition from the Chapter 13 Trustee, and good cause has been shown. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1.

Debtor acknowledges being delinquent on the post-petition payments as set forth under the terms and conditions of the subject loan documents ("Loan Documents") attached to the Motion and incorporated herein by reference. The arrearage is in the amount of \$15,350.38 and consists of the December 2018 through and including July 2019 post-petition payments in the amount of \$1,932.62 each and \$850.00 attorney's fees and \$181.00 costs incurred by Movant in bringing the Motion, minus \$1,141.58 in unapplied suspense.

2.

All payments made pursuant to this Consent Order shall have the subject Loan Number xxxxxx3122 written thereon and shall be remitted directly to Movant, c/o BSI Financial Services, 314 S. Franklin St., P.O. Box 517, Titusville, PA 16354. Debtor shall remit \$1,932.62 in certified funds instant and shall then cure the balance of the post-petition arrearage by remitting \$1,118.15 on or before the fifteenth day of each month for the period of August 2019 through and including June 2020, and \$1,118.11 on or before July 15, 2020.

3.

Debtor shall make all payments under this Consent Order in strict compliance with the terms herein and shall make the August 2020 through and including July 2020 post-petition payments in strict compliance with the terms of the Loan Documents.

4.

In the event of a default on any of the payments set forth in Paragraphs Two or Three above, Movant or Movant's counsel shall give written notice by first class mail to Debtor and Debtor's counsel of Debtor's default and right to cure the default within ten (10) days from Debtor's receipt of the written notice. Debtor shall be presumed to have received the written notice on the fifth (5th) calendar day following mailing of said notice by Movant or Movant's counsel provided that said notice was properly addressed and that sufficient postage was affixed thereto. Movant shall be entitled to attorney's fees of \$85.00 per default notice, plus mailing costs. Upon Debtor's failure to cure within the ten-day period, Movant or Movant's counsel may file an affidavit of default and a delinquency motion, both to be served upon Debtor and Debtor's counsel, and this Court may enter an order modifying the automatic stay without further notice or hearing. Said order may order that:

- a) The Motion is granted;
- b) The stay set forth in FBR 4001(a)(3) is hereby waived, and Movant is relieved from the effect of the automatic stay to pursue and enforce under non-bankruptcy law any and all rights it has in and to that certain real property, as more particularly described in the loan documents attached to the Motion and incorporated herein by reference, commonly known as 2242 Harbins Road, Dacula, GA 30019 ("Real Property"), including, but not limited to, advertising and conducting a foreclosure sale, seeking confirmation of the foreclosure sale in order to pursue any deficiency, and seeking possession of the Real Property. However, Movant and/or its successors and assigns, may offer, provide, and enter into a potential forbearance agreement, loan modification, refinance agreement, deed in lieu of foreclosure, short sale, or any other type of loan workout/loss mitigation agreement. Movant may contact the Debtor and Co-Debtor via telephone or written correspondence to offer any such agreement; and
- c) Upon entry of an Order of Default, the Chapter 13 Trustee shall cease funding Movant's pre-petition claim. Movant is granted leave to seek to allow a deficiency claim, if appropriate, but Debtor and the Chapter 13 Trustee shall be entitled to object to said deficiency claim. Upon completion of any foreclosure sale by Movant during the pendency of this

case, all proceeds exceeding Movant's lawful debt that would otherwise be payable to Debtor shall be promptly remitted to the Chapter 13 Trustee.

[END OF DOCUMENT]

PREPARED BY AND CONSENTED TO:

Attorney for Movant

_____/s/_____
Marc E. Ripps
Georgia Bar No. 606515

P.O. Box 923533
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Email: meratl@aol.com

CONSENTED TO:

Attorney for Debtor

_____/s/_____
Angelyn M. Wright (By Marc E. Ripps, Esq. with express permission)
Georgia Bar No. 777662

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Suite 222
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NO OPPOSITION:

Chapter 13 Trustee

_____/s/_____
Maria C. Joyner (By Marc E. Ripps, Esq. with express permission)
Attorney for the Chapter 13 Trustee
Georgia Bar No. 118350

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DISTRIBUTION LIST ON CONSENT ORDER

Pursuant to LR 9013-3(c) NDGa., the Consent Order shall be served upon the following parties in interest:

Marc E. Ripps, Esq.
Attorney for Movant
Via Electronic Notice

Nancy J. Whaley, Esq.
Standing Chapter 13 Trustee
Via Electronic Notice

Angelyn M. Wright, Esq.
Attorney for Debtor
Via Electronic Notice

Robert Brian Cavoretto
2242 Harbins Road
Dacula, GA 30019

Julie Anne Cavoretto*
2242 Harbins Road
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* Co-Debtor